



STATE OF DELAWARE
DEPARTMENT OF SAFETY AND HOMELAND SECURITY
COUNCIL ON POLICE TRAINING
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C.O.P.T. MEETING MINUTES

Tuesday, January 22, 2019

1300 hours

Delaware State Police Academy
Route 13, Dover, Delaware State Police

I. Meeting called to order by Chairman Robert Coupe at 1302 hours.

II. Those in attendance were:

MEMBERS

Secretary Robert M. Coupe, Chairman

Mr. Robert Irwin – Proxy for Kathy Jennings, Attorney General

Maj. Robert Hudson II – Proxy for Colonel Nathaniel McQueen Jr., Delaware State Police

Capt. Tashawn Counts – Proxy for Chief Robert Tracy, Wilmington Police Department

Capt. Diane Smith – Proxy for Chief Vaughn Bond – New Castle County Police Department

Chief Marvin Mailey, Dover Police Department

Sgt. Christopher Jones – Proxy for Chief Paul Tiernan, Newark Police Department

Mayor Lew Killmer, Delaware League of Governments

Mayor Robin Christiansen, City of Dover

Mr. Jeffrey Horvath, Chairman of Police Chief's Council

ADMINISTRATOR

Captain Jennifer D. Griffin, Delaware State Police

LEGAL COUNSEL

DAG Stacey Cohee, Department of Justice

DAG Joseph Handlon, Department of Justice

GUESTS

Sgt. Jeffrey Gates, University of Delaware PD

Cpl. Carolyn Lund, University of Delaware PD

Chief Randal Hughes, Georgetown PD

Chief Carl Hutson, Clayton PD

Lt. Torrie James, Smyrna PD

Capt. Douglas Messick, Delaware Natural Resources Police – Fish & Wildlife

Lt. Michael Downs, Capitol PD

Chief Michael Hertzfeld, Capitol PD

Chief Scott Collins, Selbyville PD

Officer Frederick Calhoun III, Delaware State FOP

Chief Robert Kracyla, Seaford PD

Chief Harry Downes, Delaware State University PD
Chief Wayne Kline, Delaware Natural Resources Police – State Parks
Chief John Yeomans, Alcohol & Tobacco Enforcement
Assistant State Fire Marshal Michael Chionchio, Office of the State Fire Marshal
Lt. Dawn Misino, Middletown PD
Mr. Christopher Klein – Deputy Principal Assistant DSHS

III. Review and approval of October 16, 2018, C.O.P.T. meeting minutes

The October 16, 2018 C.O.P.T. meeting minutes were emailed to the members of the council in advance for review. Hearing no objections, Chairman Coupe entertained a motion to approve the minutes of the October 16, 2018 meeting. Motion to approve by Mayor Christiansen, and seconded by Mayor Killmer. Motion carried unanimously, without dissent.

IV. Reactivation of Officers:

A. Christian White (C.O.P.T. 2059), Dewey Beach PD

Captain Griffin confirmed that Christian White met all the requirements to be reactivated and therefore Chairman Coupe entertained a motion to reactivate certification. Motion to approve by Mr. Horvath, and seconded by Mr. Irwin. Motion carried unanimously, without dissent.

B. William Anthony Bell (C.O.P.T. 5183), Newport PD

Captain Griffin confirmed that William Bell met all the requirements to be reactivated and therefore Chairman Coupe entertained a motion to reactive certification. Motion to approve by Mr. Irwin, and seconded by Mr. Horvath. Motion carried unanimously, without dissent.

C. Jamente Cooper (C.O.P.T. 4207), Viola PD

Captain Griffin confirmed that Jamente Cooper met all the requirements to be reactivated and therefore Chairman Coupe entertained a motion to reactive certification. Motion to approve by Chief Mailey, and seconded by Sgt. Jones. Motion carried unanimously, without dissent.

V. Decertification of Officers:

1. Administrative Decertification:

a. Richard Parson, New Castle County PD

Chairman Coupe entertained a motion to administratively decertify Richard Parson due to his failure to request a C.O.P.T. decertification hearing. Captain Smith commented that Mr. Parson resigned in lieu of termination and that a condition of the resignation was that Parson would not pursue a hearing. Additionally, Captain Smith noted that Parson is medically unable to perform the duties of a police officer. Motion to decertify by Mr. Horvath, and seconded by Mr. Irwin. Motion carried with 1 abstention (Captain Smith, NCCPD).

b. Bernard Innocent, University of Delaware PD

Chairman Coupe entertained a motion to administratively decertify Bernard Innocent due to his failure to request a C.O.P.T. decertification hearing. Motion to decertify by Mr. Irwin, and seconded by Captain Counts. Motion carried unanimously, without dissent.

c. Curtis Davis, Newark PD

Chairman Coupe entertained a motion to administratively decertify Curtis Davis due to his failure to request a C.O.P.T. decertification hearing. Sgt. Jones commented on

the several administrative charges against Davis and advised that part of Davis' separation agreement with Newark PD was to not pursue a decertification hearing. Motion to decertify by Mr. Horvath, and seconded by Mr. Irwin. Motion carried with 2 abstentions (Chief Mailey, Dover PD; Sgt. Jones, Newark PD).

2. Hearing Decertification:

a. Nicholas Murphy, Delaware State Police

Captain Griffin read the Findings of Fact from the hearing board. The recommendation of the hearing board was to decertify. Chairman Coupe entertained a motion to decertify. Motion to decertify by Mayor Christiansen, and seconded by Mr. Horvath. Motion carried with 2 abstentions (Major Hudson, DSP; Chief Mailey, Dover PD).

b. Brian Alleyne, Wilmington PD

Captain Griffin summarized the lengthy Finding of Fact from the hearing board. The recommendation of the hearing board was to NOT decertify. There was discussion surrounding the reason for termination, which was a result of Alleyne not complying with the residency requirement of living within the City of Wilmington limits for the first five (5) years of employment. Alleyne forwardly admits to violating the requirement and living at a second home outside of the city. Chairman Coupe entertained a motion to not decertify based on the hearing board's recommendation. Motion to NOT decertify by Mayor Killmer, and seconded by Sgt. Jones. Motion carried with 1 abstention (Capt. Counts, Wilmington PD).

c. Matthew Porter, New Castle County PD

Captain Griffin read the Findings of Fact from the hearing board. The recommendation of the hearing board was to suspend Porter's certification for two (2) years from the date of termination (09/11/2017) and require an 8-hour ethics training course, along with meeting all other requirements for recertification. Porter was terminated as a result of failing to follow-up on Pending-Active cases involving DFS and ultimately having the complaints deleted from the CJIS. It was stated that NCCPD lacked oversight during the transition from complaint tracking systems. Captain Smith clarified that while there was a time that officers were unable to look up their Pending-Active cases, Porter was notified of the cases that he needed to follow-up on and put on desk duty to be given time to complete the reports. Porter, instead of completing the reports then called DELJIS to have the complaints deleted from CJIS and also from the CAD. Major Hudson advised that the information provided by Captain Smith was not presented at the hearing and that they were forced to recommend based on what was presented as New Castle County PD did not send the investigator to the hearing. Captain Smith stated that the investigator was on medical leave at the time of the hearing and unable to attend. Following discussion, Chairman Coupe entertained a motion to not decertify based on the hearing board's recommendation. Motion to NOT decertify by Mr. Horvath, and seconded by Chief Mailey. Motion carried with 6 in favor (Mr. Irwin, Maj. Hudson, Capt. Counts, Chief Mailey, Sgt. Jones, and Mr. Horvath), 3 opposed (Chairman Coupe, Mayor Killmer, Mayor Christiansen), and 1 abstention (Captain Smith).

Additional Commentary: A lengthy discussion ensued regarding the authority of C.O.P.T. to suspend certifications rather than making the decision to certify or decertify. Chairman Coupe commented that this creates a precedent for future cases of officers that may feel they fall into the same category. Mr. Horvath mentioned that this has been done in the recent past for another officer. Further discussion involved the need to have the terminating agency be required to attend the decertification

hearing in order to ensure that all facts are presented in the case, and that it be done in an unbiased manner. Major Hudson commented that a lot of the testimony that was provided today, was not presented at the decertification hearing and that it could have potentially led to another decision.

VI. Certification of Officers:

- a. Christopher Megelick, Delaware State Police (C.O.P.T. #5478)
Captain Griffin confirmed that Megelick meets all the requirements to be certified and is a Fast-Tracker in the 92nd Recruit Class, therefore Chairman Coupe entertained a motion to certify. Motion to certify by Mr. Horvath, and seconded by Sgt. Jones. Motion carried unanimously, without dissent.

VII. Sponsored Firearms Instructors:

- a. Kirk Marino, Milford PD (Sponsored by Chief Longo, Milton PD)
Chief Longo, Milton PD submitted a sponsorship request for Kirk Marino, Milford PD. Chairman Coupe entertained a motion to approve. Motion to approve by Captain Smith, and seconded by Chief Mailey. Motion carried unanimously, without dissent.
- b. Jeffrey Matthews, Capitol Police (Ret.) (Sponsored by Chief Mailey, Dover PD)
Chief Mailey, Dover PD submitted a sponsorship request for Jeffrey Matthews to exclusively be a HR218 Firearms Instructor. Motion to approve by Mayor Christiansen, and seconded by Sgt. Jones. Motion carried with 1 abstention (Chief Mailey, Dover PD). There was post motion commentary that should Matthews wish to instruct outside of the parameters of HR218, he would need to come before the board again for approval.

VIII. Old Business:

1. Regulation Revisions:

- a. Final Order (801 – Regulations of the Delaware Council on Police Training)
Mr. Klein advised that the Public Comment period has closed (12/01/18 – 12/31/18), with no commentary submitted. The purpose of the Final Order is make a technical correction to the definition of Police Officer in order to reflect the definition establish in the Delaware Code. Hearing no objection or questions, Secretary Coupe entertained a motion for approval of the amendment. Motion to approve by Captain Smith, and seconded by Chief Mailey. Motion carried unanimously, without dissent. Captain Griffin distributed signature sheets for the present parties to sign, noting the absence of Council members: Secretary Susan Bunting, and Mayor William West.
- b. Canine (K9) Regulation Proposal
Mr. Klein advised that the K9 Regulation would be entered into Title 1 as section 802 and would establish standards of training for K9 Officers and partners. The Public Comment period has closed (12/01/18 – 12/31/18) with no commentary submitted. The Office of the State Fire Marshal requested the minor change of “Arson Detection Dog” to “Fire Detection Dog”. Mayor Killmer questions why there was insufficient information regarding the canine first-aid training for handlers. Mr. Klein and Chairman Coupe identified that the regulation will set the minimum standards, while an upcoming training document can go further in-depth to include specific training. Captain Douglas Messick (DNREC) and other guests in attendance requested clarification regarding the regulation as some agency canines are trained out of state. Specifically, whether or not outside canine training needed to be certified by C.O.P.T. Captain Griffin stated that all canines must meet the minimum standards set forth by the C.O.P.T. so handlers will need to present their canines to a Delaware

Training Facility and be evaluated with a qualification course. Additional training over and above what is set in the regulation will be up to the respective agencies (i.e. fire detection training, etc.). Chairman Coupe moved to table the Canine Proposal vote until the next regular meeting to allow time for agencies to include their input and have concerns remedied.

2. Firearms Survey:

Captain Griffin presented a PowerPoint to those in attendance provided a summary of the responses received in the recent Firearms Survey. There was discussion regarding the requirements of tracking percentages rather than pass/fail, and the ramifications that it could have civilly. Chairman Coupe advised that as long as the passing score is standardized across the board, the tracking of percentages vs. pass/fail is up to the respective agency. Chairman Coupe requested that Captain Griffin follow-up with the survey to ensure that agencies are permitted to enter "pass or fail" if they so choose.

3. Firearms Sponsorship Process:

Captain Griffin discussed the need for a standardized Firearms Sponsorship Process and a way to track the participation of instructors, etc. and who is available as several agencies in Sussex County are in need. Chairman Coupe requested that a proposal be submitted detailing the necessary steps to be taken in order to bring the tracking of Certified Firearms Instructors up to date.

IX. New Business:

1. 2018 Successes

Captain Griffin presented a recap of 2018 included several items that has been successfully completed: (1) created a website; (2) standardized and updated all forms; (3) initiated a unified K9 Regulation; (4) revised all of the C.O.P.T. Training Regulations; (5) updated the Annual Survey with a statistical report; (6) created a structure and process to annually review all C.O.P.T. regulations through a subcommittee; (7) established a goal to create a standardized C.O.P.T. Field Training Officer Program; (8) Administrative Decertification, Suspensions, and Consent Agreements; and (9) Firearms Survey to all agency Colonels, Chiefs, and/or Directors.

2. 2019 Goals

Captain Griffin advised that the following items should be addressed in 2019:

- a. Personnel & Human Resources Regulation updates;
- b. Creation of a FTO Training Regulations Program;
- c. Ongoing revisions due to legislation and/or best practice recommendations; and
- d. Proposed 2019 Meeting will include the annual review of all C.O.P.T. regulations.

3. Evaluation of C.O.P.T. Regulation #19.0 (Reimbursement)

Mr. Horvath advised that he has received questions from agencies regarding the reimbursement process, including what is the consequence to agencies that are not reimbursing, and what is the value of an officer. Additionally, there appears to be a loophole that if an officer quits an agency, stays unemployed for a short period of time and then is hired by another agency, this avoids the need for reimbursement. Chairman Coupe suggested to table this discussion until the next meeting in order for the new DAG to research and provide counsel for discussion.

4. Law Enforcement Officers Safety Act (LEOSA) Requirements

Chairman Coupe advised that there has been several retired law enforcement officers who have been approaching legislators and arguing that it is the responsibility of the C.O.P.T. to maintain their Law Enforcement Officers Safety Act (LEOSA) rights.

Chairman Coupe advised that this is not the responsibility of C.O.P.T. and that anyone who is approached should direct questions to his office.

X. Adjournment was at 1445 hours.

Chairman Coupe entertained a motion to adjourn. Motion to adjourn by Mr. Horvath, and seconded by Chief Mailey. Motion carried unanimously, without dissent.

Next Meeting: Tuesday, April 16, 2019 at 1030 hours
Delaware State Police Training Academy

Pursuant to 29 Delaware Code, Section 10004(e)(2), the Council shall pre-announce all Executive Sessions; however, such agenda shall be subject to change to include additional items including Executive Sessions which arise at the time of the body's meeting.